

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,
Plaintiff,

v.

Civil Action No. 04-379 Erie

UNITED STATES,
U.S. JUSTICE DEPARTMENT,
BUREAU OF PRISONS (BOP),
FCI MCKEAN, HARLEY G. LAPPIN,
Director of BOP, NEWTON E.
KENDIG- Medical Director of
BOP, D. SCOTT DODRILL- North-
east Regional Director of BOP,
JOHN J. LAMANNA- Warden of
FCI MCKEAN,
Defendants.

MOTION TO FILE THIRD AMENDED COMPLAINT

COMES NOW, DEMETRIUS BROWN, herein as Plaintiff, proceeding Pro-Se, hereby moves this Honorable Court, the United States District Court for the Western District of Pennsylvania, for an Order granting Motion to file Third Amended Complaint for curing procedural defects pursuant to 28 U.S.C. §1653 and Federal Rules of Civil Procedure, Rule 15(a). In support, Plaintiff affirms, that:

1. On January 17, 2007, this Court ordered Defendants to respond to Plaintiff's Second Amended Complaint.

2. On February 5, 2007, Defendants responded with Motion to Dismiss or, in the alternative, Motion for Summary Judgment.

3. This Court thereby, issued Order, in turn, for Plaintiff to respond with discretion to file an Amended Complaint for curing any procedural defects.

4. As such, herein attached to this Motion, Plaintiff files in response, a Third Amended Complaint with Exhibits for curing procedural defects.

WHEREFORE, it is Plaintiff's request that this Court GRANT filing of his Third Amended Complaint with Exhibits included.

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

3/8/07
Dated

Demetrius Brown

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)	
Plaintiff,)	
)	
)	
v.)	Civil Action No. 04-379 Erie
)	
UNITED STATES,)	
U.S. JUSTICE DEPARTMENT,)	
BUREAU OF PRISONS (BOP),)	
FCI MCKEAN, HARLEY G. LAPPIN-)	
Director of BOP, NEWTON E.)	
KENDIG- Medical Director of)	
BOP, D. SCOTT DODRILL- North-)	
east Regional Director of BOP,)	
JOHN J. LAMANNA- Warden of FCI)	
McKEAN,)	
Defendants.)	

ORDER

AND NOW, this _____ day of March, 2007,

IT IS HEREBY ORDERED, that Plaintiff's MOTION TO FILE THIRD AMENDED COMPLAINT, in the civil action number 04-379 Erie is hereby GRANTED.

IT IS FURTHER ORDERED, that the Clerk of Court shall place on file Plaintiff's Third Amended Complaint.

IT IS FURTHER ORDERED, that the Defendants shall respond to Plaintiff's Third Amended Complaint within 20 days of this Order.

IT IS FURTHER ORDERED, that the parties are allowed ten (10) days from this date to appeal the order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

/s/